



**STATE OF NEW JERSEY**

In the Matter of Joseph Delikat,  
Battalion Fire Chief (PM3388C),  
Newark

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

Examination Appeal

CSC Docket No. 2023-1994

**ISSUED: March 20, 2024 (ABR)**

Joseph Delikat appeals his score on the promotional examination for Battalion Fire Chief (PM3388C), Newark. It is noted that the appellant passed the examination with a final average of 82.230 and ranks 20<sup>th</sup> on the eligible list.

The subject promotional examination was held on May 23, 2022, and 39 candidates passed. This two-part examination consisted of an integrated system of simulations designed to generate behavior similar to that required for success on the job. The first part consisted of multiple-choice items that measured specific work components identified and weighted by the job analysis. The second part consisted of three oral scenarios: Supervision, Administration and Incident Command. The examination was based on a comprehensive job analysis conducted by the Civil Service Commission (Commission), which identified the critical areas of the job. The weighting of the test components was derived from the job analysis data. It is noted that candidates were told the following prior to beginning their presentations for each scenario: "In responding to the questions, be as specific as possible. Do not assume or take for granted that general actions will contribute to your score."

Each candidate in a given jurisdiction was scored by a team of three different Subject Matter Experts (SMEs), who were trained in current technical scoring procedures. Each of these SMEs were current or retired fire officers who held the title of Battalion Fire Chief (or Fire Officer 2) or higher. Candidates were also assessed by three Commission employees trained in oral communication assessment. As part of

the scoring process, an SME observed and noted the responses of a candidate relative to the knowledge, skills and abilities (KSAs) that each exercise was designed to measure. An assessor also noted any weaknesses that detracted from the candidate's overall oral communication ability. Each assessor then rated the candidate's performance according to the rating standards and assigned the candidate a technical or oral communication score on that exercise.

In order to preserve the relative weighting of each of the components of the examination, the ratings for each portion were adjusted by a well-recognized statistical process known as "standardization." Under this process, the ratings are standardized by converting the raw scores to z-scores, an expression of the deviation of the score from the mean score of the group in relation to the standard deviation of scores for the group. Each portion of the examination had a relative weight in its relation to the whole examination. Thus, the z-score for the multiple-choice portion was multiplied by a test weight of 36.53%, the oral technical scores were multiplied by a test weight of 53.91% and the oral communication scores were multiplied by a test weight of 9.56%. The weighted z-scores were summed and this became the overall final test score. This was weighted and added to the weighted seniority score. The result was standardized, then normalized, and rounded up to the third decimal place to arrive at a final average.

On the Supervision scenario, the appellant scored a 5 on the technical component and a 4 on the oral communication component. On the Administration scenario, the appellant scored a 4 on the technical component and a 4 on the oral communication component. Finally, on the Incident Command scenario, the appellant scored a 2 on the technical component and a 5 on the oral communication component.

The appellant challenges his scores for the technical component of the Incident Command scenario and seniority. As a result, the appellant's test material and a listing of possible courses of action (PCAs) for the scenarios were reviewed.

The Incident Command scenario involves a response to a fire at a local auto parts store and auto repair shop. Question 1 asks what specific actions the candidate would take upon arriving at the scene. The prompt for Question 2 indicates that while crews are involved in extinguishment operations, an explosion occurs on Side C, emergency radio traffic is transmitted by a fire fighter and structural damage is now visible on Side C. Question 2 asks what specific actions the candidate should now take based upon this new information.

On the technical component of the Incident Command scenario, the assessor awarded the appellant a score of 2 based upon his failure to conduct a Personnel Accountability Report (PAR) in response to Question 2 and his failure to identify a number of additional responses, including, in part, considering foam operations in

response to Question 1. On appeal, the appellant argues that he covered conducting a PAR early in his presentation. He further contends that the scenario would require 3 PARs to be conducted in total, but that to state all three in such a short time span would have been repetitive. He contends that it is unfair to deny him credit for this PCA simply because he stated it in an order that differed from the scoring standard. Additionally, the appellant argues that the PCA of considering foam operations is flawed for several reasons. First, he maintains that if there are unknown civilians in the building, foam operations would remove oxygen from the building and essentially eliminate the chances of anyone inside surviving. Second, he avers that the configuration of the fire building created voids that foam would not effectively cover. Third, he asserts that because the oil drums are considered a combustible, rather than a flammable liquid, the scenario does not lend itself to using foam, particularly as the presence of the firefighter in the evolving scenario would break a foam blanket and make it useless. Moreover, the appellant argues that the amount of foam required would create significant runoff that would contaminate the sewer system and possibly the water supply.

In reply, a review of the appellant's Incident Command presentation fails to demonstrate that the appellant should have been credited with the PCAs at issue. The appellant's lone statement about conducting a PAR came during his response to Question 1, in which he indicated that "[o]nce the fire is placed under control, we will conduct a PAR of all units." The appellant's statement about conducting a PAR once the fire was "placed under control" did not convey that he would conduct a PAR in response to the explosion referenced in Question 2. Further, any suggestion that it would be "repetitive" to expect a candidate to identify the need to conduct a PAR in response to an explosion, even if they had done so earlier in the scenario, is without merit. As to the additional PCA of considering foam operations, the Division of Test Development, Analytics and Administration (TDAA) asserts that based upon the fact pattern, it was reasonable to expect candidates to consider foam operations and mention them in some way, even if not ultimately utilizing them. In particular, because preparing a unit for foam operations or calling for another unit to perform them would take time, considering foam operations is something that would be done upon arrival at a scene like the one presented in the subject scenario and before the events presented in Question 2. As to voids, TDAA states that since foam would be mixed with water, it would still penetrate void spaces and crevices. Finally, in terms of runoff, TDAA observes the appellant's expressed concerns about runoff would make it seem as though foam should never be employed. TDAA proffers that when foam is employed in fireground operations, measures are routinely taken to secure runoff. The Commission finds the PCA of considering foam operations in response to Question 1 to be valid and that the appellant was properly denied credit for failing to mention foam operations in any way during his Incident Command scenario

presentation<sup>1</sup>. Accordingly, the appellant has failed to sustain his burden of proof with respect to the technical component of the Incident Command scenario and his score of 2 is affirmed.

As to the appellant's seniority score, examination seniority is based on the time from the regular appointment date to the eligible title to the closing date of the announcement, minus the time spent on layoffs, certain leaves of absence without pay, or suspensions. *See N.J.A.C. 4A:4-2.15* (Rating of examinations). The appellant received a permanent appointment to the title of Fire Captain, effective August 4, 2014, and the closing date was September 30, 2021. His seniority score is 87.162. This reflects a base score of 70, plus 10 points for record of service, plus 7.162 for the 7 years, 1 month and 28 days he was a Fire Captain. Time spent in a provisional position or as an "acting" Fire Captain is not added to seniority for any candidate. Accordingly, the record demonstrates that the appellant's seniority score of 87.162 is correct. Further, a review of the appellant's overall score calculation demonstrates that his final average of 82.230 was correct.

### CONCLUSION

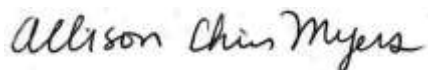
A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

### ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 20<sup>TH</sup> DAY OF MARCH, 2024



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Allison Chris Myers  
Chairperson  
Civil Service Commission

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<sup>1</sup> Further, even assuming, *arguendo*, that the Commission were to strike the PCA of considering foam operations for the subject scenario, based upon the number of mandatory and additional responses the appellant missed, his score would remain unchanged.

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and  
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